

REMARKS**Summary of the Office Action**

Claim 1 appears to be rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 1, 4-5, 7-16, 18-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda (U.S. Publication No. 2002/0174360) (hereinafter "Ikeda") in view of Shimada (U.S. Patent No. 5,922,073) (hereinafter "Shimada").

Claims 2-3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Ikeda in view of Shimada and further in view of Morisawa et al. (U.S. Patent No. 5,537,544) (hereinafter "Morisawa").

Summary of the Response to the Office Action

Applicants have amended claims 1-4, 8, 9, 11, 12, 15, 17-19, 21, 23, and 24 to differently describe embodiments of the disclosure of the instant application's specification and to improve the form of the claims. Accordingly, claims 1-24 remain pending for consideration.

Rejection under 35 U.S.C. § 112, Second Paragraph

It appears that claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Office Action does not specifically state that claim 1 is rejected in this regard. Nevertheless, claim 1 has been amended in accordance with the Examiner's comments at page 2 of the Office Action. Applicants respectfully submit that claim 1, as amended, fully complies

with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that any rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 4, 5, 7-16, 18-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of Shimada. Claims 2-3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Ikeda in view of Shimada and further in view of Morisawa. Applicants have amended claims 1-4, 8, 9, 11, 12, 15, 17-19, 21, 23, and 24 to differently describe embodiments of the disclosure of the instant application's specification and to improve the form of the claims. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that a purpose of the present application is to effectively prevent illegal distribution of recorded data that is recorded on a re-writable recording medium by using a first password and a second password. The first password being a password that cannot be updated and that is unique for each individual data processing apparatus, and the second password being a password that is common for a plurality of data processing apparatuses and that can be re-written to the first password. Therefore, Applicants respectfully submit that because the second password that can be rewritten as a unique first password for each individual data processing apparatus is recorded, it is possible, for example, to protect the data from illegal distribution before mounting the data in the data processing apparatus. In addition, the provision of this first password makes it is possible to protect that data from illegal distribution after the data has been installed in the data processing apparatus. Applicants respectfully submit that it is

also possible to effectively prevent illegal distribution of the data to be recorded even in the case of using a re-writable recording medium as the recording medium of the data processing apparatus.

Applicants respectfully submit that Ikeda discloses in the ABSTRACT that an access restriction for a specified navigation system is performed by using a device ID that is uniquely assigned to the navigation system. However, Applicants respectfully submit that Ikeda does not disclose, or even suggest, that the device ID is replaced with another password, nor that the device ID is recorded onto the service server. In other words, Applicants respectfully submit that the device ID in Ikeda does not correspond to the first password of independent claim 1 of the instant application.

Applicants respectfully submit that Shimada discloses in column 4; lines 13 to 17 that the attribute data of the designated data in the data-attribute table 10a included in the memory 10 is replaced with the attribute data included in the addition request. However, Applicants respectfully submit Shimada does not disclose, or even suggest, that the replaced attribute data is recorded onto the recording medium. In addition, Shimada does not disclose, or even suggest, a password that is common for a plurality of data processing apparatuses.

Therefore, Applicants respectfully submit that because neither of Ikeda and Shimada discloses that the replaced attribute data is recorded onto the recording medium. Thus, even assuming, strictly arguendo, that one having skill in the art would be led to combine Ikeda and Shimada as proposed by the Office Action, this person skilled in the art could not achieve the technical features of described in the combination of independent claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Ikeda in view of Shimada.

With regard to independent claims 4, 8, 9, and 11, Applicants respectfully submit that these independent claims are allowable for the similar reasons as discussed above with regard to independent claim 1. In addition, Applicants respectfully submit that although these independent claims describe an update recording medium on which update-data used for updating the original data is recorded, neither Ikeda nor Shimada discloses the update recording medium or the like. Therefore, even assuming, strictly arguendo, that one having skill in the art would be led to combine Ikeda and Shimada as proposed by the Office Action, this person skilled in the art could not achieve the technical features described in the combinations described in independent claims 4, 8, 9 and 11.

With regard to independent claims 13 and 19, Applicants respectfully submit that these independent claims are also allowable for similar reasons as discussed above with regard to independent claim 1. In addition, Applicants respectfully submit that the recording medium described in these independent claims includes the first data (map data), the second data (update-data using for updating the first data) and the first and second passwords. Applicants respectfully submit that in Ikeda, the update data is downloaded. See the paragraph [0224]. In other words, Applicants respectfully submit that Ikeda does not disclose that the update-data has been previously recorded on the recording medium. Applicants respectfully submit that Shimada does not disclose that the update-data has been previously recorded on the recording medium. Therefore, Applicants respectfully submit that even assuming, strictly arguendo, that one having skill in the art would be led to combine Ikeda and Shimada as proposed by the Office Action, this person skilled in the art could not achieve the technical features described in the combinations described in independent claims 13 and 19.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because neither Ikeda nor Shimada, whether taken singly or combined, teach or suggest each feature of independent claims 1, 4, 8, 9, 11, 13 and 19 as amended. MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from claim 1, 4, 9, 11, 13 or 19, and the reasons set forth above.

Moreover, Applicants respectfully submit that the additionally applied reference to Morisawa, with respect to claims 2-3, 6, 17 and 23, does not cure the deficiencies discussed above with regard to Ikeda and Shimada. For example, Applicants respectfully submit that Morisawa discloses that a password memory means 2A for storing a plurality of registered passwords. However, Applicants respectfully submit that Morisawa does not disclose, or even suggest, that a password is replaced with another password. That is, Morisawa does not disclose the subject matter of dependent claim 2, for example.

Applicants respectfully submit that because none of Ikeda, Shimada, and Morisawa disclose that a password is replaced with another password, even assuming, strictly arguendo, that one having skill in the art would be led to combine Ikeda, Shimada, and Morisawa as asserted by the Office Action, the person skilled in the art could not achieve the technical features of independent claim 2. Accordingly, Applicants respectfully submit that claim 2, like the other dependent claims, is believed to be patentable over Ikeda in view of Shimada and further in view of Morisawa.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: September 23, 2005

By:



Paul A. Fournier

Reg. No. 41,023

Customer No. 55694

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465